

Remarks

Reconsideration and allowance of this application, as amended, are respectfully requested. Claims 1 and 3 have been amended, and claim 2 has been canceled. New claim 8 has been filed. Claims 1 and 3-8 are now pending in the application. The sole rejection is respectfully submitted to be obviated in view of the amendments and remarks presented herein. No new matter has been introduced through the foregoing amendments. Entry is in order.

In response to the Office Action's indication that claims 3 and 5-7 contain allowable subject matter, claim 3 has been amended to independent form. Claims 5-7 depend from now-allowable claim 3.

To further define the scope of the claimed invention, claim 1 has been amended to incorporate the limitations of now-canceled claim 2. Claim 1 now defines in pertinent part the damper main member to include "a first screw portion disposed above said abutting portion" (i.e., essentially the first clause of original claim 2) and the means "comprising a collar having a second screw portion for engaging said first screw portion of said damper main member, and said collar capable of being rotated, after said collar abuts against said grommet" (i.e., essentially the second clause of original claim 2).

In addition, claim 1 also recites in pertinent part that the collar is capable of being rotated "for adjusting upward said damper main member." Support for the collar adjusting limitation is found in the disclosure at, for example, specification page 11, line 27, through page 12, line 14 (i.e., "the collar 41 is further rotated" (page 11, lines 29-30) and "the damper main member 31 projects (moves) until the elastic engaging claws 24 abut against the step portions (stoppers) 36d at the lower ends of the long grooves 36, so that it is possible to adjust the projecting length of the damper main member 31" (page 12, lines 4-8)). Entry of the claim amendments is respectfully requested.

Claims 1, 2, and 4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,735,511 to Stöcker et al. (hereinafter "Stöcker") in view of U.S. Patent No. 6,507,976 to Ichimaru. The Office Action asserts in pertinent part that "[i]t would have been obvious to one having ordinary skill in the art at the time of the invention to modify Stöcker as taught by Ichimaru, such that Stöcker includes the means for moving of Ichimaru, in order to allow for easy adjustment of the projection height of the damper member." The Office Action also asserts that "[t]he combination

would result in damper main member of Stocker being adjustable relative to the engaging member of Stocker, by the means taught in Ichimaru.”

The rejection under § 103(a) is respectfully traversed. First, the claimed invention would not have been obvious because there is no suggestion, motivation, or teaching in the applied art that would have led one to select the references and combine them in a way that would produce the claimed invention. In fact, Stöcker teaches *away* from the combination asserted in the Office Action. Secondly, even if the references were combined as asserted in the Office Action, they would not result in the Applicants’ claimed invention.

Claim 1 is allowable because there is no suggestion, motivation, or teaching in the applied art that would have led one to select the references and combine them in a way that would produce the claimed invention. Stöcker discloses a “*Self-Adjusting Stop Means for Cushioning*” (emphasis added). The disclosure of Stöcker includes repeated references to the “self-adjusting” nature of the stop means. See, for example, column 1, lines 5-6 (“The present invention relates to a self-adjusting dampening and stopping system . . .”) and column 1, lines 28-29 (“An object of the invention is to provide a self-adjusting stop and dampening system . . .”). And, at column 1, lines 52-64, Stöcker discloses the following:

When assembling the damping element it projects from the casing by a maximum allowable distance. When closing the member to be dampened, for example a lid, the damping element is pressed into the casing. After opening the member the clamping portion may be clamped to the shaft by rotating the coupling member such that the shaft and thus the damping element are axially locked with respect to the casing. *A further adjusting step is not required anymore. Rather, the system according to the invention has the advantage that the damping element will be adjusted to the proper position by a single closing and opening of the movable member, whereupon the damping element is fixed in this position* (emphasis added).

That is, in Stöcker, once the member to be dampened has been closed once, the damping element has already been adjusted to the proper height position by virtue of contact between the

member to be dampened and the damping element. As Stöcker discloses, “[a] further adjusting step is not required anymore.”

Then, as Stöcker discloses at column 4, line 59, through column 5, line 2, the already-positioned damping element is simply locked in place:

In this position the system having been installed at the service location will be automatically adjusted. For accomplishing this, the lid will be closed such that the head 18 of the damping or stop element 10 is engaged thereby. The damping or stop element 10 will thus be displaced downwardly as FIG. 1 shows in broken lines. Subsequently the lid will be opened again and *the coupling element 12 will be rotated clockwise by means of a wrench* engaging the hexagonal pattern 80 until the raised portions 70 and 52 of the clamping element 16 and the casing 14 lie above each other (emphasis added).

Thus, in Stöcker, after the damping element is automatically positioned to the desired height by closing the movable member, the movable member is opened, and a wrench is used to rotate the coupling element so as to secure the casing and the clamping element. The damping element, however, which has already been automatically positioned to the correct height, “is fixed in this position” (Stöcker column 1, lines 63-64), and is not further adjusted.

There is, therefore, *no* motivation in Stöcker “to modify Stocker as taught by Ichimaru, such that Stocker includes the means for moving of Ichimaru, in order to allow for easy adjustment of the projection height of the damper member” as asserted in the Office Action. Stöcker discloses an “automatically adjusted” and “self-adjusting” stop means. Since Stöcker requires no further adjustment of the damping element, there is no motivation whatsoever to employ the teaching of Ichimaru. The asserted combination of references is improper.

Furthermore, even if the references were combined as asserted in the Office Action, they would not result in the Applicants’ claimed invention. Applicants’ claim 1 defines in pertinent part “means disposed between the engaging member and the damper main member *for moving the damper main member in a direction away from the engaging member and fixing the damper main member relative to the engaging member so that the damper main member projects from the grommet by a*

desired distance.” Also, it is defined in claim 1 that “said collar capable of being rotated, after said collar abuts against said grommet, for adjusting upward said damper main member.”

The combined disclosures of Stöcker and Ichimaru, however, would result in a device in which Stöcker’s already correctly-positioned damping element is then *moved away from the correct position* with the stopper of Ichimaru. The asserted combination would not, therefore, result in the Applicants’ claimed invention.

Claim 4 is similarly allowable. Claim 4 depends directly from claim 1, and includes the further limitation that “said damper main member further includes a stopper for restricting the damper main member from moving in a counter-insertion direction.”

With respect to claim 4, the Office Action asserts that “Stocker discloses the damper main member (10, 20) to include a stopper (outer wall of 20) for restricting movement in a counter insertion direction,” and that “Examiner considers the outer wall of 20 to be a stopper because it frictionally engages the engaging member, and resists removal from the engaging member.”

The Applicants respectfully disagree. Stöcker may disclose a “shaft 20 of the damping or stop element 10” (column 4, line 54), but there is no disclosure of “a stopper (outer wall of 20) for restricting movement in a counter insertion direction,” as asserted in the Office Action. Furthermore, regardless of whether the “Examiner considers the outer wall of 20 to be a stopper,” Stöcker fails to either teach or suggest “a stopper for restricting said damper main member from moving in a counter-insertion direction,” as claimed.

For at least the above reasons, reconsideration and withdrawal of the rejection of claims 1, 2, and 4 under § 103(a) are respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and pass this application to issue.

Respectfully submitted,

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